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**[ADDITIONAL COUNSEL FOLLOW SIGNATURE BLOCK]**

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

Coordination Proceeding Special Title  
 (Rule 1550(b))

J.C.C.P. Nos. 4221, 4224, 4226 and 4228

NATURAL GAS ANTI-TRUST CASES  
 I, II, III & IV

**[PROPOSED] ORDER GRANTING  
 MOTION FOR NUNC PRO TUNC ORDER  
 FOR CLARIFICATION OF PRO HAC VICE  
 ADMISSION OF JAMES TYNAN KELLY  
 AS CLASS COUNSEL**

*[This Document Relates to the Pipeline  
 Cases ]*

**DATE: August 4, 2006  
 TIME: 10:00 A.M.  
 PLACE: Dept. 71**

Coordination Trial Judge: Hon. Ronald S. Prager

1           Plaintiffs' Motion for Nunc Pro Tunc Order for Clarification of Pro Hac Vice  
2 Admission of James Tynan Kelly as Class Counsel came on for ordinary hearing on August 4,  
3 2006. After considering the papers filed, the arguments of counsel and the record in this  
4 matter, the Court finds as follows.

5           This motion pertains to a matter placed before the Court by the Objection of Candy  
6 Tomkinson to the Motion for Attorneys' Fees filed by Class Counsel and the Response in  
7 Opposition of Class Counsel to the Tomkinson Objection.

8           1.       Tomkinson's objection is based largely on the theory that Plaintiffs' counsel  
9 James Tynan Kelly engaged in the unauthorized practice of law in California prior to October  
10 3, 2002 when then presiding Judge J. Richard Haden approved Mr. Kelly's application for  
11 admission *pro hac vice*.

12           2.       The Court has jurisdiction and broad discretion to enter *nunc pro tunc* orders  
13 granting *pro hac vice* admission to out of state counsel who associate with California counsel  
14 in California court proceedings (*United States Golf Assn. v. Arroyo Software Corp.*, (1999) 69  
15 Cal. App. 4th 607, 624.), and requested that the Court issue such an order *nunc pro tunc* that  
16 Mr. Kelly's *pro hac vice* admission is valid for the entire period of Mr. Kelly's work on these  
17 cases. It appears to the Court that (1) Judge Haden approved Mr. Kelly's admission *pro hac*  
18 *vice* on October 3, 2002 and (2) Judge Haden subsequently approved Mr. Kelly's fee  
19 application in connection with the settlement of claims against former Defendant El Paso  
20 Corporation for a period from August 2000 through October 2003. Based on these facts, it  
21 appears to the Court that Judge Haden intended for Mr. Kelly's admission *pro hac vice* as  
22 counsel in this case to cover the entire period of the case. Based on the papers filed in support  
23 of and in opposition to the Motion for Fees and Costs and argument at the hearing on the  
24 Application on June 8, 2006,

25 **IT IS ORDERED, ADJUDGED AND DECREED THAT:**

26           The order of October 3, 2002 granting admission *pro hac vice* to out of state counsel  
27 James Tynan Kelly is amended and clarified *nunc pro tunc*. The admission *pro hac vice* of  
28

1 out of state counsel James Tynan Kelly as counsel for Plaintiffs in the present cases is  
2 effective for the entire period of Mr. Kelly's work from August 2000 through the present and  
3 until these cases shall become final.

4  
5 DATED: \_\_\_\_\_, 2006

6  
7  
8 **Ronald S. Prager**  
9 **Judge of the Superior Court**

10 July 12, 2006

Respectfully submitted,

11 O'DONNELL & MORTIMER LLP  
12 ENGSTROM, LIPSCOMB & LACK  
13 LAW OFFICES OF M. BRIAN McMAHON  
14 GIRARDI & KEESE  
15 ASTRELLA & RICE P.C.  
16 BAKER, BURTON & LUNDY, P.C.

17 By: /s/ PIERCE O'DONNELL  
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24 KATHLEEN STELLA; JOHN CLEMENT  
25 MOLONY; DOUGLAS and VALERIE  
26 WELCH; SIERRAPINE, LTD.; THE CITY  
27 OF LONG BEACH, UNITED CHURCH  
28 RETIREMENT HOMES, LONG BEACH  
BRETHREN MANOR, and ROBERT  
LAMOND